

AMENDED IN ASSEMBLY MAY 1, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1561**

**Introduced by Committee on Transportation (Assembly Members Murray (Chair), Baugh (Vice Chair), Baca, Bowler, Cardenas, Figueroa, Havice, Mazzoni, Napolitano, Perata, Runner, Scott, and Torlakson)**

March 13, 1997

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An act to ~~amend Sections 5066 and 11520 of~~ to amend Sections 25161, 25167.4, and 25323.6 of, and to add Section 25168.1 to, the Health and Safety Code, to amend Section 30634 of the Public Utilities Code, and to amend Sections 2256, 4456, 5066, 5204, 11520, 13106, 16028, 22507.8, 22651.5, 22655, 25251, 25258, 27000, 34001, 34060, and 40000.16 of, to add Sections 2420, 21718, and 34500.5. to, and to repeal Sections 13106 and 22520 of, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1561, as amended, Committee on Transportation. Transportation.

(1) Existing law *requires the Department of Toxic Substances Control to adopt and enforce those regulations that are necessary and appropriate to achieve consistency with the findings made by the Federal Highway Administration and the federal Department of Transportation pursuant to specified provisions of federal law*

regarding a uniform program for hazardous waste transportation.

This bill would make technical, clarifying changes to existing law.

(2) Under existing law, the Los Angeles County Metropolitan Transportation Authority is the successor agency to the Southern California Rapid Transit District and the Los Angeles County Transportation Commission and vests the authority with the powers of those former agencies. The authority is authorized to enter into prescribed joint development agreements, defined to include agreements to plan, finance, or construct development projects adjacent, or physically or functionally related, to facilities of the authority.

This bill would define joint development agreements to include agreements relating to projects within a transit village development district, as specified.

(3) Existing law requires the minimum age for appointment to the position of state traffic officer of the California Highway Patrol to be 18 years.

This bill would require the minimum age for that appointment to be 21 years and would make a technical, clarifying change in existing law.

(4) Existing federal regulations require farm labor contractors, agricultural employers, or agricultural associations that use any vehicle to transport a migrant or seasonal agricultural worker to ensure that the vehicle conforms to specified federal vehicle safety standards. Prima facie evidence that safety standards have been met may be shown by the presence of a current state vehicle inspection sticker.

This bill would authorize the Department of the California Highway Patrol to enter into a contract to conduct an inspection of vehicles that are subject to the federal regulations specified above and issue the specified vehicle inspection sticker to qualified vehicles. The bill would require the contract to provide that the amount to be paid to the department shall be equal to the costs incurred by the department for services provided under the contract.

(5) Existing law requires motor vehicle dealers to use numbered report-of-sale forms issued by the Department of

*Motor Vehicles when selling a vehicle. A vehicle displaying a copy of the specified form may be operated without license plates or registration card until the license plates and registration card are received by the purchaser of the vehicle.*

*This bill would authorize the vehicle to operate with the specified form until the license plates and registration card are received by the purchaser of the vehicle or until a 6-month period, commencing with the date of sale of the vehicle, has expired, whichever occurs first.*

(6) Existing law provides that, if, after one calendar year following the receipt of the first application for the special interest license plate under the Gene Chappie Heritage Network Act of 1992, 5,000 applications for those plates have not been received, the Department of Parks and Recreation shall refund to all applicants any fees or deposits that have been collected.

This bill would delete this provision of existing law.

~~(2)–~~

(7) Existing law requires tabs to indicate the year and month of the expiration of the registration of a vehicle and that the tabs be attached to the license plate assigned to the vehicle, as specified.

*This bill would specify that the tabs shall indicate the current month and year and that a violation of this provision occurs where a vehicle fails to display current month and year tabs or displays expired tabs.*

(8) Existing law imposes specified requirements on a licensed automobile dismantler who acquires a vehicle subject to registration under the Vehicle Code for the purpose of dismantling that vehicle.

This bill would make certain of those requirements inapplicable if the person from whom the vehicle was acquired has notified and cleared the vehicle for dismantling with the Department of Motor Vehicles and a bill of sale has been executed to the dismantler that properly identifies the vehicle and contains evidence of clearance by the department.

(9) Existing law requires the Department of Motor Vehicles to notify a person by certified mail when the privilege of that person to operate a motor vehicle is

*suspended or revoked, except as specified. In the case of suspension or revocation under specified provisions, the department is required to attempt to provide personal service by using a process server if the certified mail is not delivered.*

*This bill would delete the requirement that the department provide personal service under the conditions specified above.*

*(10) Existing law requires the driver of any motor vehicle that is in any manner involved in a traffic accident, as specified, to furnish written evidence of financial responsibility for the vehicle upon the request of a peace officer summoned to the accident scene.*

*This bill would authorize a traffic collision investigator, as specified, to cause a notice to appear to be issued for a violation of the provision specified above, upon review of that citation by a peace officer.*

*(11) Existing law prohibits any person from stopping, parking, or leaving standing any vehicle upon a freeway that has full control of access and no crossings at grade, except as specified.*

*This bill would make a conviction of a violation of the provision specified above a conviction involving the safe operation of a motor vehicle upon the highway if a notice to appear for the violation was issued by a specified peace officer.*

*(12) Existing law makes it unlawful for any person to park or leave standing any vehicle, including a vehicle displaying a special identification license plate or a distinguishing placard issued to disabled persons and disabled veterans for purposes of special parking privileges, in any area of the pavement within a parking lot or parking facility that is marked by crosshatched lines and is thereby designated for the loading and unloading of vehicles pursuant to any local ordinance, among other places.*

*This bill would, instead, specify that it is unlawful to park in any area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans that is marked by crosshatched lines and is thereby designated, pursuant to any local ordinance, for the loading and unloading of vehicles parked in the stall or space.*



(13) Existing law authorizes any peace officer, as defined, upon the complaint of any person, to remove a vehicle parked within a prescribed distance of an occupied building of a school, community college, or university or within a residence or business district from a highway or from public or private property if an alarm device has been activated within the vehicle, the peace officer is unable to locate the owner of the vehicle within 45 minutes from the time of arrival at the vehicle's location, and the alarm device has not been silenced prior to removal.

This bill would reduce the 45-minute period described above to a 20-minute period.

(14) Existing law authorizes a peace officer to remove a motor vehicle for purpose of inspection if the officer has reasonable cause to believe that the motor vehicle, under specified circumstances, has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with certain statutes.

This bill would also authorize a regularly employed and salaried employee who is engaged in directing traffic or enforcing parking statutes and regulations to remove a vehicle under those specified circumstances.

(15) Existing law permits the use of flashing lights on vehicles under certain circumstances.

This bill would authorize the use of flashing lights on vehicles that are approaching, stopped at, or departing from, a railroad grade crossing, as prescribed.

(16) Existing law authorizes emergency vehicles used by specified peace officers in the performance of their duties to display a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle.

This bill would authorize an emergency vehicle used by a housing authority patrol officer, as specified, to display the steady or flashing blue warning light specified above, and correct a cross-reference in those provisions.

(17) Existing law requires every motor vehicle operated on the highway to be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet but that does not emit an unreasonably loud or harsh sound. Existing

law authorizes an authorized emergency vehicle that is used in fire calls to be equipped with an air horn that does not comply with the specified requirement.

This bill would, instead, authorize all authorized emergency vehicles, as defined, to be equipped with air horns that do not meet the requirement specified above.

(18) Existing law defines the term “commercial motor vehicle” for purposes of specified provisions relating to a commercial motor vehicle safety program.

This bill would apply that term to specified provisions relating to motor vehicle safety regulations.

(19) Existing law makes a violation of a specified provision relating to preventing the escape of materials from vehicles a misdemeanor.

This bill would, instead, make a second or subsequent violation of the specified provision a misdemeanor, if the violation occurs within 2 years of a prior violation of that provision. A first violation, in combination with another provision of existing law, would be an infraction.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25161 of the Health and Safety  
2 Code is amended to read:

3 25161. (a) The department ~~shall~~—may adopt and  
4 enforce those regulations, *regarding a uniform program*  
5 *for hazardous waste transportation*, that are necessary  
6 and appropriate to achieve consistency with the findings  
7 made by the Federal Highway Administration and the  
8 federal Department of Transportation pursuant to  
9 Chapter 51 (commencing with Section 5101) of Title 49  
10 of the United States Code—~~regarding a uniform program~~  
11 ~~for hazardous waste transportation~~.

12 (b) The department shall adopt and enforce all rules  
13 and regulations that are necessary and appropriate to  
14 accomplish the purposes of Section 25160.

15 (c) The department shall develop a data base that  
16 tracks all hazardous waste shipped in and out of state for

1 handling, treatment, storage, disposal, or any  
2 combination thereof, which includes all of the following  
3 information:

4 (1) The state or country receiving the waste.

5 (2) Month and year of shipment.

6 (3) Type of hazardous waste shipped.

7 (4) The manner in which the hazardous waste was  
8 handled at its final destination, such as incineration,  
9 treatment, recycling, land disposal, or a combination  
10 thereof.

11 (d) The department shall include in the biennial  
12 report specified in Section 25178 all of the following  
13 information:

14 (1) The total volume in tons of hazardous waste  
15 generated in the state and shipped offsite for handling,  
16 treatment, storage, disposal, or any combination thereof.

17 (2) The total volume in tons of hazardous waste  
18 generated in the state and shipped in and out of the state  
19 for handling, treatment, storage, disposal, or any  
20 combination thereof, including all of the following  
21 information:

22 (A) The state or country receiving the hazardous  
23 waste.

24 (B) Month and year of shipment.

25 (C) Type of hazardous waste shipped.

26 (D) The manner in which the hazardous waste was  
27 handled at its final destination, such as incineration,  
28 treatment, recycling, land disposal, or a combination  
29 thereof.

30 *SEC. 2. Section 25167.4 of the Health and Safety Code*  
31 *is amended to read:*

32 25167.4. For purposes of this article, the following  
33 terms have the following meaning:

34 (a) "Vehicle" means a truck, trailer, semitrailer, or  
35 ~~vacuum~~ cargo tank. "Vehicle" does not include a truck  
36 tractor unless it is capable of containing a portion of the  
37 cargo.

38 (b) "Container" means a ~~cargo tank~~ *portable tank*,  
39 *intermediate bulk container*, or rolloff bin.

1     *SEC. 3. Section 25168.1 is added to the Health and*  
2     *Safety Code, to read:*

3     25168.1. *The department shall adopt regulations for*  
4     *containers used to transport hazardous waste that are not*  
5     *subject to the federal regulations contained in Title 49 of*  
6     *the Code of Federal Regulations.*

7     *SEC. 4. Section 25323.6 of the Health and Safety Code*  
8     *is amended to read:*

9     25323.6. Any person who unknowingly transports  
10    hazardous waste to a solid waste facility pursuant to the  
11    exemption provided in subdivision ~~(f)~~—(e) of Section  
12    25163 shall not be considered a responsible party for  
13    purposes of this chapter solely because of the act of  
14    transporting the waste. Nothing in this section shall affect  
15    the liability of this person for his or her negligent acts.

16    *SEC. 5. Section 30634 of the Public Utilities Code is*  
17    *amended to read:*

18    30634. (a) The district may enter into agreements for  
19    the joint use or joint development of any property or  
20    rights by the district and any city, public agency, or public  
21    utility operating transit facilities or nontransit facilities, or  
22    both, or any other person, firm, corporation, association,  
23    organization, or other entity, public or private, either, in  
24    whole or in part, within or outside the district, for the joint  
25    use or development of any property of the district or of  
26    the city, public agency, public utility, person, firm,  
27    corporation, association, organization, or other entity,  
28    public or private, or the establishment of through routes,  
29    joint fares, station cost-sharing, connector fees, or land,  
30    air, or development rights sales or leasing, transfer of  
31    passengers, pooling arrangements, or for any other  
32    purpose necessary for, incidental to, or convenient for the  
33    full exercise of the powers granted in this part. As to any  
34    service which the district is authorized to perform  
35    pursuant to this part, the district may contract for the  
36    performance of the service by any city, county, or public  
37    utility operating transit facilities, the territory of which is,  
38    in whole or in part, within the district.

39    (b) (1) “Joint development” includes, but is not  
40    limited to, agreements with any person, firm,



corporation, association, organization, or other entity, public or private, to develop or to engage in the planning, financing, or construction of district facilities or development projects adjacent, or physically or functionally related, to district facilities.

(2) *For the purposes of paragraph (1), “development projects adjacent, or physically or functionally related, to district facilities” includes a development project within a transit village development district as described in Section 65460.4 of the Government Code.*

(c) Notwithstanding any other provision of this part, no joint development of nontransit facilities may be accomplished without the prior approval of the legislative body of the local jurisdiction within which the development is to take place.

(d) “Transit facilities,” as used in this section, includes land, buildings, and equipment, or any interest therein, whether or not the operation thereof produces revenue, which have as their primary purpose the operation of a rail transit system or the providing of services to the passengers of a rail transit system.

(e) “Nontransit facilities,” as used in this section, includes any land, buildings, or equipment, or interest therein, which is used primarily for the production of transit revenue not arising from the operation of a rail transit system.

*SEC. 6. Section 2256 of the Vehicle Code is amended to read:*

2256. Notwithstanding Section 18932 of the Government Code, the minimum age limit for appointment to the position of ~~state traffic officer of the~~ *officer* California Highway Patrol, shall be ~~18~~ 21 years, and the maximum age limit for examination shall be 31 years.

*SEC. 7. Section 2420 is added to the Vehicle Code, to read:*

2420. (a) *The department may enter into a contract to conduct an inspection of vehicles that are subject to Section 500.100 of Title 29 of the Code of Federal Regulations and issue the vehicle inspection sticker*

1 *authorized under subdivision (b) of that section to*  
2 *qualified vehicles.*

3 *(b) Any contract entered into under subdivision (a)*  
4 *shall provide that the amount to be paid to the*  
5 *department shall be equal to the costs incurred by the*  
6 *department for services provided under the contract.*

7 *SEC. 8. Section 4456 of the Vehicle Code is amended*  
8 *to read:*

9 4456. (a) When selling a vehicle, dealers and  
10 lessor-retailers shall use numbered report-of-sale forms  
11 issued by the department. The forms shall be used in  
12 accordance with the following terms and conditions:

13 (1) The dealer or lessor-retailer shall attach for display  
14 a copy of the report of sale on the vehicle before the  
15 vehicle is delivered to the purchaser.

16 (2) The dealer or lessor-retailer shall submit to the  
17 department an application accompanied by all fees and  
18 penalties due for registration or transfer of registration of  
19 the vehicle within 30 days from the date of sale if the  
20 vehicle is a used vehicle, and 20 days if the vehicle is a new  
21 vehicle. Penalties due for noncompliance with this  
22 paragraph shall be paid by the dealer or lessor-retailer.  
23 The dealer or lessor-retailer shall not charge the  
24 purchaser for the penalties.

25 (3) As part of an application to transfer registration of  
26 a used vehicle, the dealer or lessor-retailer shall include  
27 all of the following information on the certificate of title,  
28 application for a duplicate certificate of title, or form  
29 prescribed by the department:

30 (A) Date of sale and report of sale number.

31 (B) Purchaser's name and address.

32 (C) Dealer's name, address, number, and signature or  
33 signature of authorized agent.

34 (D) Salesperson number.

35 (4) If the department returns an application and the  
36 application was first received by the department within  
37 30 days of the date of sale of the vehicle if the vehicle is  
38 a used vehicle, and 20 days if the vehicle is a new vehicle,  
39 the dealer or lessor-retailer shall submit a corrected  
40 application to the department within 50 days from the

1 date of sale of the vehicle if the vehicle is a used vehicle,  
2 and 40 days if the vehicle is a new vehicle, or within 30  
3 days from the date that the application is first returned by  
4 the department if the vehicle is a used vehicle, and 20  
5 days if the vehicle is a new vehicle, whichever is later.

6 (5) If the department returns an application and the  
7 application was first received by the department more  
8 than 30 days from the date of sale of the vehicle if the  
9 vehicle is a used vehicle, and 20 days if the vehicle is a new  
10 vehicle, the dealer or lessor-retailer shall submit a  
11 corrected application to the department within 50 days  
12 from the date of sale of the vehicle if the vehicle is a used  
13 vehicle, and 40 days if the vehicle is a new vehicle.

14 (6) An application first received by the department  
15 more than 50 days from the date of sale of the vehicle if  
16 the vehicle is a used vehicle, and 40 days if the vehicle is  
17 a new vehicle, is subject to the penalties specified in  
18 subdivisions (a) and (b) of Section 4456.1.

19 (7) The dealer or lessor-retailer shall report the sale  
20 pursuant to Section 5901.

21 (b) (1) A transfer that takes place through a dealer  
22 conducting a wholesale motor vehicle auction shall be  
23 reported to the department by that dealer on a single  
24 form approved by the department. The completed form  
25 shall contain, at a minimum, all of the following  
26 information:

27 (A) The name and address of the seller.

28 (B) The seller's dealer number, if applicable.

29 (C) The date of delivery to the dealer conducting the  
30 auction.

31 (D) The actual mileage of the vehicle as indicated by  
32 the vehicle's odometer at the time of delivery to the  
33 dealer conducting the auction.

34 (E) The name, address, and occupational license  
35 number of the dealer conducting the auction.

36 (F) The name, address, and occupational license  
37 number of the buyer.

38 (G) The signature of the dealer conducting the  
39 auction.

(2) Submission of the completed form specified in paragraph (1) to the department shall fully satisfy the requirements of subdivision (a) and subdivision (a) of Section 5901 with respect to the dealer selling at auction and the dealer conducting the auction.

(3) The single form required by this subdivision does not relieve a dealer of any obligation or responsibility that is required by any other provision of law.

(c) A vehicle displaying a copy of the report of sale may be operated without license plates or registration card until ~~the~~ *either of the following, whichever occurs first:*

(1) *The license plates and registration card are received by the purchaser.*

(2) *A six-month period, commencing with the date of sale of the vehicle, has expired.*

SEC. 9. Section 5066 of the Vehicle Code is amended to read:

5066. (a) This section shall be known, and may be cited, as the Gene Chappie Heritage Network Act of 1992.

(b) The Department of Parks and Recreation may participate in the special interest license plate program. In addition to the regular fees for an original registration, a renewal of registration, or a transfer of registration, the following fees shall be paid by individuals applying for the issuance, renewal, or transfer of a license plate bearing a design or decal conforming to Section 5060, designed by the Department of Motor Vehicles in consultation with the Department of Parks and Recreation:

(1) For the original issuance of the plates, forty dollars (\$40).

(2) For a renewal of registration with the plates, thirty dollars (\$30).

(3) For transfer of the plates to another vehicle, fifteen dollars (\$15).

(4) For each substitute replacement plate, thirty-five dollars (\$35).

(5) For each universal decal for existing plates, twenty dollars (\$20).

(c) After deducting its administrative costs under this section, the Department of Motor Vehicles shall deposit the additional revenue derived from the issuance, renewal, transfer, and substitution of special interest license plates in the Heritage Network Decal Fund, which is hereby created in the State Treasury. The money in the fund shall be available, upon appropriation by the Legislature, for the purposes of Chapter 1.1 (commencing with Section 5078) of Division 5 of the Public Resources Code. Notwithstanding Sections 5078.2 and 5078.3 of the Public Resources Code, money in the fund shall be available for appropriation during the 1992–93, 1993–94, and 1994–95 fiscal years solely for state park system units and projects along existing and provisional state heritage corridors, including activities to prevent closures, and for completion of the North Central California Heritage Corridors Access Map.

(d) Sections 5106 and 5108 do not apply to license plates issued pursuant to this section.

~~SEC. 2.—~~

*SEC. 10. Section 5204 of the Vehicle Code is amended to read:*

5204. (a) Except as provided by subdivisions (b) and (c), a tab shall indicate the year of expiration and a tab shall indicate the month of expiration,—~~which~~. *Current month and year* tabs shall be attached to the rear license plate assigned to the vehicle for the last preceding registration year in which license plates were issued, and, when so attached, the license plate with the tabs shall, for the purposes of this code, be deemed to be the license plate, except that truck tractors, and commercial motor vehicles having an unladen weight of 10,000 pounds or more, shall display the *current month and year* tabs upon the front license plate assigned to the truck tractor or commercial motor vehicle. *Vehicles that fail to display current month and year tabs or display expired tabs are in violation of this section.*

(b) The requirement of subdivision (a) that the tabs indicate the year and the month of expiration does not

1 apply to fleet vehicles subject to Article 9.5 (commencing  
2 with Section 5300).

3 (c) Subdivision (a) does not apply when proper  
4 application for registration has been made pursuant to  
5 Section 4602 and the new indicia of current registration  
6 have not been received from the department.

7 (d) This section is enforceable against any motor  
8 vehicle that is driven, moved, or left standing upon a  
9 highway, or in an offstreet public parking facility, in the  
10 same manner as provided in subdivision (a) of Section  
11 4000.

12 *SEC. 11.* Section 11520 of the Vehicle Code is  
13 amended to read:

14 11520. (a) A licensed automobile dismantler who  
15 acquired, for the purpose of dismantling, actual  
16 possession, as a transferee, of a vehicle of a type subject  
17 to registration under this code shall do all of the following:

18 (1) Within five calendar days, not including the day of  
19 acquisition, mail a notice of acquisition to the department  
20 at its headquarters.

21 (2) Within five calendar days, not including the day of  
22 acquisition, mail a copy of the notice of acquisition to the  
23 Department of Justice at its headquarters.

24 (3) Not begin dismantling until 10 calendar days have  
25 elapsed after mailing the notice of acquisition. In the  
26 alternative, dismantling may begin any time after the  
27 dismantler complies with paragraph (4).

28 (4) Deliver to the department, within 90 calendar days  
29 of the date of acquisition, the documents evidencing  
30 ownership and the license plates last issued for the  
31 vehicle. Proof that a registered or certified letter of  
32 demand for the documents was sent within 90 days of the  
33 date of acquisition to the person from whom the vehicle  
34 was acquired may be substituted for documents that  
35 cannot otherwise be obtained. A certificate of license  
36 plate destruction, when authorized by the director, may  
37 be delivered in lieu of the license plates.

38 (5) Maintain a business record of all vehicles acquired  
39 for dismantling. The record shall contain the name and  
40 address of the person from whom the vehicle was

1 acquired; the date the vehicle was acquired; the license  
2 plate number last assigned to the vehicle; and a brief  
3 description of the vehicle, including its make, type, and  
4 the vehicle identification number used for registration  
5 purposes. The record required by this paragraph shall be  
6 a business record of the dismantler separate and distinct  
7 from the records maintained in those books and forms  
8 furnished by the department.

9 (b) Paragraphs (1) and (2) of subdivision (a) do not  
10 apply to vehicles acquired pursuant to Section 11515,  
11 11515.2, 22851.2, or 22851.3 of this code or Section 3071,  
12 3072, or 3073 of the Civil Code.

13 (c) Paragraphs (1), (2), (3), and (4) of subdivision (a)  
14 do not apply to a vehicle acquired from another person  
15 if the other person has already notified and cleared the  
16 vehicle for dismantling with the department pursuant to  
17 this code and a bill of sale has been executed to the  
18 dismantler that properly identifies the vehicle and  
19 contains evidence of clearance by the department,  
20 including but not limited to, a dismantling report  
21 number, temporary receipt number, or other proof of  
22 compliance with this section.

23 *SEC. 12. Section 13106 of the Vehicle Code, as added*  
24 *by Section 5 of Chapter 1133 of the Statutes of 1994, is*  
25 *repealed.*

26 ~~13106. (a) When the privilege of a person to operate~~  
27 ~~a motor vehicle is suspended or revoked, the department~~  
28 ~~shall notify the person by certified mail, return receipt~~  
29 ~~requested, of the action taken and of the effective date~~  
30 ~~thereof, except for those persons personally given notice~~  
31 ~~by the department or a court, by a peace officer pursuant~~  
32 ~~to Section 23137 or 23158.5, or otherwise pursuant to this~~  
33 ~~code. It shall be conclusively presumed that a person has~~  
34 ~~knowledge of the suspension or revocation if notice has~~  
35 ~~been sent by certified mail by the department pursuant~~  
36 ~~to this section to the most recent address reported by the~~  
37 ~~person to the department pursuant to Section 14600, and~~  
38 ~~the return receipt has been signed and returned to the~~  
39 ~~department. It is the responsibility of every licenseholder~~

1 ~~to report changes of address to the department pursuant~~  
2 ~~to Section 14600.~~

3 ~~(b) (1) In the event the certified mail is not delivered,~~  
4 ~~the department shall attempt to provide personal service~~  
5 ~~by using a process server for service of any person whose~~  
6 ~~driving privilege was suspended or revoked for a~~  
7 ~~conviction of a violation of Section 23103, 23104, 23152, or~~  
8 ~~23153, or for any reason listed in subdivision (a) or (c) of~~  
9 ~~Section 12806, or for negligent or incompetent operation~~  
10 ~~of a vehicle pursuant to subdivision (c) of Section 12809~~  
11 ~~or Section 12810.~~

12 ~~(2) The only purpose of this subdivision is to provide~~  
13 ~~an additional deterrent to unlawful driving.~~

14 ~~(c) At the time of license reinstatement, the~~  
15 ~~department shall recover, through fees authorized~~  
16 ~~pursuant to Section 14906, an amount equal to its total~~  
17 ~~costs of providing notices pursuant to this section.~~

18 *SEC. 13. Section 13106 of the Vehicle Code, as added*  
19 *by Section 8 of Chapter 1221 of the Statutes of 1994, is*  
20 *amended to read:*

21 13106. (a) When the privilege of a person to operate  
22 a motor vehicle is suspended or revoked, the department  
23 shall notify the person by certified mail, return receipt  
24 requested, of the action taken and of the effective date  
25 thereof, except for those persons personally given notice  
26 by the department or a court, by a peace officer pursuant  
27 to Section 23137 or 23158.5, or otherwise pursuant to this  
28 code. It shall be conclusively presumed that a person has  
29 knowledge of the suspension or revocation if notice has  
30 been sent by certified mail by the department pursuant  
31 to this section to the most recent address reported by the  
32 person to the department pursuant to Section 14600, and  
33 the return receipt has been signed and returned to the  
34 department. It is the responsibility of every license holder  
35 to report changes of address to the department pursuant  
36 to Section 14600.

37 ~~(b) (1) In the event the certified mail is not delivered,~~  
38 ~~the department shall attempt to provide personal service~~  
39 ~~by using a process server for service of any person whose~~  
40 ~~driving privilege was suspended or revoked for a~~



~~conviction of a violation of Section 23103, 23104, 23152, or 23153, or for any reason listed in subdivision (a) or (c) of Section 12806, or for negligent or incompetent operation of a vehicle pursuant to subdivision (e) of Section 12809 or Section 12810.~~

~~(2) The only purpose of this subdivision is to provide an additional deterrent to unlawful driving.~~

~~(e) At the time of license reinstatement, the department shall recover, through fees authorized pursuant to Section 14906, an amount equal to its total costs of providing notices pursuant to this section.~~

*SEC. 14. Section 16028 of the Vehicle Code is amended to read:*

16028. (a) Upon demand of a peace officer pursuant to subdivision (b) or (c), every person who drives upon a highway a motor vehicle required to be registered in this state shall provide evidence of financial responsibility for the vehicle. However, a peace officer shall not stop a vehicle for the sole purpose of determining whether the vehicle is being driven in violation of this subdivision.

(b) Whenever a notice to appear is issued for any alleged violation of this code, except a violation specified in Chapter 9 (commencing with Section 22500) of Division 11 or any local ordinance adopted pursuant thereto, the cited driver shall furnish written evidence of financial responsibility upon request of the peace officer issuing the citation. The peace officer shall request and write the driver's evidence of financial responsibility on the notice to appear, except where the peace officer is unable to write the driver's evidence of financial responsibility on the notice to appear due to an emergency that requires his or her presence elsewhere. If the cited driver fails to provide evidence of financial responsibility at the time the notice to appear is issued, the peace officer may issue the driver a notice to appear for violation of subdivision (a). The notice to appear for violation of subdivision (a) shall be written on the same citation form as the original violation.

(c) Whenever a peace officer, *or a regularly employed and salaried employee of a city or county who has been*

1 *trained as a traffic collision investigator*, is summoned to  
2 the scene of an accident described in Section 16000, the  
3 driver of any motor vehicle that is in any manner  
4 involved in the accident shall furnish written evidence of  
5 financial responsibility upon the request of the peace  
6 officer *or traffic collision investigator*. If the driver fails to  
7 provide evidence of financial responsibility when  
8 requested, the peace officer may issue the driver a notice  
9 to appear for violation of *this subdivision*—(a). A *traffic*  
10 *collision investigator may cause a notice to appear to be*  
11 *issued for a violation of this subdivision, upon review of*  
12 *that citation by a peace officer.*

13 (d) (1) If, at the time a notice to appear for a violation  
14 of subdivision (a) is issued, the person is driving a motor  
15 vehicle owned, operated, or leased by the driver's  
16 employer, and the vehicle is being driven with the  
17 permission of the employer, this section shall apply to the  
18 employer rather than the driver. In that case, a notice to  
19 appear shall be issued to the employer rather than the  
20 driver, and the driver may sign the notice on behalf of the  
21 employer.

22 (2) The driver shall notify the employer of the receipt  
23 of the notice issued pursuant to paragraph (1) not later  
24 than five days after receipt.

25 (e) A person issued a notice to appear for a violation  
26 of subdivision (a) may personally appear before the clerk  
27 of the court, as designated in the notice to appear, and  
28 provide written evidence of financial responsibility in a  
29 form consistent with Section 16020, showing that the  
30 driver was in compliance with that section at the time the  
31 notice to appear for violating subdivision (a) was issued.  
32 In lieu of a personal appearance, the person may submit  
33 written evidence of financial responsibility by mail to the  
34 court. Upon receipt by the clerk of written evidence of  
35 financial responsibility in a form consistent with Section  
36 16020, further proceedings on the notice to appear for the  
37 violation of subdivision (a) shall be dismissed.

38 (f) This section shall become operative on January 1,  
39 1997.

(g) This section shall remain in effect only until January 1, 2000, or until the date determined by the director pursuant to paragraph (2) of subdivision (a) of Section 1680, whichever is later, and as of that date is repealed, unless a later enacted statute, which is enacted on or before January 1, 2000, deletes or extends that date.

*SEC. 15. Section 21718 is added to the Vehicle Code, to read:*

*21718. (a) No person shall stop, park, or leave standing any vehicle upon a freeway which has full control of access and no crossings at grade except:*

*(1) When necessary to avoid injury or damage to persons or property.*

*(2) When required by law or in obedience to a peace officer or official traffic control device.*

*(3) When any person is actually engaged in maintenance or construction on freeway property or any employee of a public agency is actually engaged in the performance of official duties.*

*(4) When any vehicle is so disabled that it is impossible to avoid temporarily stopping and another vehicle has been summoned to render assistance to the disabled vehicle or driver of the disabled vehicle. This paragraph applies when the vehicle summoned to render assistance is a vehicle owned by the donor of free emergency assistance that has been summoned by display upon or within a disabled vehicle of a placard or sign given to the driver of the disabled vehicle by the donor for the specific purpose of summoning assistance, other than towing service, from the donor.*

*(5) Where stopping, standing, or parking is specifically permitted. However, buses may not stop on freeways unless sidewalks are provided with shoulders of sufficient width to permit stopping without interfering with the normal movement of traffic and without the possibility of crossing over fast lanes to reach the bus stop.*

*(6) Where necessary for any person to report a traffic accident or other situation or incident to a peace officer or any person specified in paragraph (3), either directly or by means of an emergency telephone or similar device.*

(7) When necessary for the purpose of rapid removal of impediments to traffic by the owner or operator of a tow truck operating under an agreement with the Department of the California Highway Patrol.

(b) A conviction of a violation of this section is a conviction involving the safe operation of a motor vehicle upon the highway if a notice to appear for the violation was issued by a peace officer described in Section 830.1 or 830.2 of the Penal Code.

SEC. 16. Section 22507.8 of the Vehicle Code is amended to read:

22507.8. (a) It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans pursuant to Section 22511.7 or 22511.8, unless the vehicle displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.

(b) It is unlawful for any person to obstruct, block, or otherwise bar access to those parking stalls or spaces except as provided in subdivision (a).

(c) It is unlawful for any person to park or leave standing any vehicle, including a vehicle displaying a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59, in either of the following places:

(1) On the lines marking the boundaries of a parking stall or space designated for disabled persons or disabled veterans.

(2) In any area of the pavement ~~within a parking lot or parking facility~~ adjacent to a parking stall or space designated for disabled persons or disabled veterans that is marked by crosshatched lines and is thereby designated, pursuant to any local ordinance, for the loading and unloading of vehicles ~~pursuant to any local ordinance~~ parked in the stall or space.

(d) Subdivisions (a), (b), and (c) apply to all offstreet parking facilities owned or operated by the state, and to all offstreet parking facilities owned or operated by a local

1 authority. Subdivisions (a), (b), and (c) also apply to any  
2 privately owned and maintained offstreet parking  
3 facility.

4 *SEC. 17. Section 22520 of the Vehicle Code is*  
5 *repealed.*

6 ~~22520. No person shall stop, park, or leave standing~~  
7 ~~any vehicle upon a freeway which has full control of~~  
8 ~~access and no crossings at grade except:~~

9 ~~(a) When necessary to avoid injury or damage to~~  
10 ~~persons or property.~~

11 ~~(b) When required by law or in obedience to a peace~~  
12 ~~officer or official traffic control device.~~

13 ~~(c) Any person actually engaged in maintenance or~~  
14 ~~construction on freeway property or any employee of a~~  
15 ~~public agency actually engaged in the performance of~~  
16 ~~official duties.~~

17 ~~(d) Any vehicle which is so disabled that it is~~  
18 ~~impossible to avoid temporarily stopping and any vehicle~~  
19 ~~which has been summoned to render assistance to a~~  
20 ~~vehicle or person, including a vehicle owned by the donor~~  
21 ~~of free emergency assistance, which has been summoned~~  
22 ~~by display upon or within a disabled vehicle of a placard~~  
23 ~~or sign given to the driver of the disabled vehicle by the~~  
24 ~~donor for the specific purpose of summoning assistance,~~  
25 ~~other than towing service, from the donor.~~

26 ~~(e) In locations where stopping, standing or parking is~~  
27 ~~specifically permitted; provided, however, that buses~~  
28 ~~may not stop on freeways unless sidewalks are provided~~  
29 ~~with shoulders of sufficient width to permit stopping~~  
30 ~~without interfering with the normal movement of traffic~~  
31 ~~and without the possibility of crossing over fast lanes to~~  
32 ~~reach the bus stop.~~

33 ~~(f) Any person reporting a traffic accident or other~~  
34 ~~situation or incident to a peace officer or any person~~  
35 ~~specified in subdivision (e), either directly or by means~~  
36 ~~of an emergency telephone or similar device.~~

37 ~~(g) The owner or operator of a tow truck operating~~  
38 ~~under an agreement with the Department of the~~  
39 ~~California Highway Patrol for the purpose of rapid~~  
40 ~~removal of impediments to traffic.~~

1     *SEC. 18. Section 22651.5 of the Vehicle Code is*  
2     *amended to read:*

3     22651.5. (a) Any peace officer, as defined in Chapter  
4     4.5 (commencing with Section 830) of Title 3 of Part 2 of  
5     the Penal Code, may, upon the complaint of any person,  
6     remove a vehicle parked within 500 feet of any occupied  
7     building of a school, community college, or university  
8     during normal hours of operation, or a vehicle parked  
9     within a residence or business district, from a highway or  
10    from public or private property, if an alarm device or  
11    horn has been activated within the vehicle, the peace  
12    officer is unable to locate the owner of the vehicle within  
13    45 20 minutes from the time of arrival at the vehicle's  
14    location, and the alarm device or horn has not been  
15    silenced prior to removal.

16    (b) Upon removal of a vehicle from a highway or from  
17    public or private property pursuant to this section, the  
18    peace officer ordering the removal shall immediately  
19    report the removal and the location to which the vehicle  
20    is removed to the Stolen Vehicle System of the  
21    Department of Justice.

22    *SEC. 19. Section 22655 of the Vehicle Code is*  
23    *amended to read:*

24    22655. (a) When any peace officer, as that term is  
25    defined in Chapter 4.5 (commencing with Section 830) of  
26    Title 3 of Part 2 of the Penal Code *or any regularly*  
27    *employed and salaried employee who is engaged in*  
28    *directing traffic or enforcing parking statutes and*  
29    *regulations*, has reasonable cause to believe that a motor  
30    vehicle on a highway or on private property open to the  
31    general public onto which the public is explicitly or  
32    implicitly invited, located within the territorial limits in  
33    which the officer is empowered to act, has been involved  
34    in a hit-and-run accident, and the operator of the vehicle  
35    has failed to stop and comply with ~~the provisions of~~  
36    Sections 20002 to 20006, inclusive, the officer may remove  
37    the vehicle from the highway or from public or private  
38    property for the purpose of inspection.

39    (b) Unless sooner released, the vehicle shall be  
40    released upon the expiration of 48 hours after ~~such~~ *the*

1 removal from the highway or private property upon  
2 demand of the owner. When determining the 48-hour  
3 period, weekends, and holidays shall not be included.

4 (c) Notwithstanding subdivision (b), when a motor  
5 vehicle to be inspected pursuant to subdivision (a) is a  
6 commercial vehicle, any cargo within the vehicle may be  
7 removed or transferred to another vehicle.

8 This section shall not be construed to authorize the  
9 removal of any vehicle from an enclosed structure on  
10 private property ~~which~~ *that* is not open to the general  
11 public.

12 *SEC. 20. Section 25251 of the Vehicle Code is*  
13 *amended to read:*

14 25251. (a) Flashing lights are permitted on vehicles  
15 as follows:

16 (1) To indicate an intention to turn or move to the  
17 right or left upon a roadway, turn signal lamps and turn  
18 signal exterior pilot indicator lamps and side lamps  
19 permitted under Section 25106 may be flashed on the side  
20 of a vehicle toward which the turn or movement is to be  
21 made.

22 (2) When disabled or parked off the roadway but  
23 within 10 feet of the roadway, *or when approaching,*  
24 *stopped at, or departing from, a railroad grade crossing,*  
25 turn signal lamps may be flashed as warning lights if the  
26 front turn signal lamps at each side are being flashed  
27 simultaneously and the rear turn signal lamps at each side  
28 are being flashed simultaneously.

29 (3) To warn other motorists of accidents or hazards on  
30 a roadway, turn signal lamps may be flashed as warning  
31 lights while the vehicle is approaching, overtaking, or  
32 passing the accident or hazard on the roadway if the front  
33 turn signal lamps at each side are being flashed  
34 simultaneously and the rear turn signal lamps at each side  
35 are being flashed simultaneously.

36 (4) For use on authorized emergency vehicles.

37 (5) To warn other motorists of a funeral procession,  
38 turn signal lamps may be flashed as warning lights on all  
39 vehicles actually engaged in a funeral procession, if the  
40 front turn signal lamps at each side are being flashed

1 simultaneously and the rear turn signal lamps at each side  
2 are being flashed simultaneously.

3 (b) Turn signal lamps shall be flashed as warning lights  
4 whenever a vehicle is disabled upon the roadway and the  
5 vehicle is equipped with a device to automatically  
6 activate the front turn signal lamps at each side to flash  
7 simultaneously and the rear turn signal lamps at each side  
8 to flash simultaneously, if the device and the turn signal  
9 lamps were not rendered inoperative by the event which  
10 caused the vehicle to be disabled.

11 (c) Side lamps permitted under Section 25106 and  
12 used in conjunction with turn signal lamps may be flashed  
13 with the turn signal lamps as part of the warning light  
14 system, as provided in paragraphs (2) and (3) of  
15 subdivision (a).

16 (d) Required or permitted lamps on a trailer or  
17 semitrailer may flash when the trailer or semitrailer has  
18 broken away from the towing vehicle and the connection  
19 between the vehicles is broken.

20 (e) Hazard warning lights, as permitted by paragraphs  
21 (2) and (3) of subdivision (a) may be flashed in a  
22 repeating series of short and long flashes when the driver  
23 is in need of help.

24 *SEC. 21. Section 25258 of the Vehicle Code is*  
25 *amended to read:*

26 25258. (a) An authorized emergency vehicle  
27 operating under the conditions specified in Section 21055  
28 may display a flashing white light from a gaseous  
29 discharge lamp designed and used for the purpose of  
30 controlling official traffic control signals.

31 (b) An authorized emergency vehicle used by a peace  
32 officer, as defined in Section 830.1 of, subdivision (a), (b),  
33 (c), (d), (e), (f), (g), ~~(h), or (j)~~ or (i) of Section 830.2 of,  
34 subdivision (b) or (d) of Section 830.31 of, subdivision (a)  
35 or (b) of Section 830.32 of, Section 830.33 of, subdivision  
36 (a) of Section 830.36 of, subdivision (a) of Section 830.4 of,  
37 or Section 830.6 of, the Penal Code, in the performance  
38 of the peace officer's duties, may, in addition, display a  
39 steady or flashing blue warning light visible from the  
40 front, sides, or rear of the vehicle.



1    *SEC. 22. Section 27000 of the Vehicle Code is*  
2    *amended to read:*

3    27000. (a) Every motor vehicle, when operated upon  
4    a highway, shall be equipped with a horn in good working  
5    order and capable of emitting sound audible under  
6    normal conditions from a distance of not less than 200 feet,  
7    but no horn shall emit an unreasonably loud or harsh  
8    sound. An authorized emergency vehicle ~~used in~~  
9    ~~responding to fire calls~~ may be equipped with, and use in  
10   conjunction with the siren on that vehicle, an air horn  
11   which emits sounds that do not comply with the  
12   requirements of this section.

13   (b) Every refuse or garbage truck purchased after  
14   September 1, 1983, shall be equipped with an automatic  
15   back-up audible alarm which sounds on backing more  
16   than 36 inches and which is capable of emitting sound  
17   audible under normal conditions from a distance of not  
18   less than 100 feet or shall be equipped with an automatic  
19   back-up device which is in good working order, located  
20   at the rear of the vehicle and which immediately applies  
21   the service brake of the vehicle on contact by the vehicle  
22   with any obstruction to the rear. The back-up device or  
23   alarm shall also be capable of operating automatically  
24   when the vehicle is in neutral or a forward gear but rolls  
25   backward.

26   (c) At the first scheduled overhaul for any refuse or  
27   garbage truck, the operator shall consider equipping the  
28   refuse or garbage truck not equipped in accordance with  
29   the requirements of subdivision (b), with the alarm or  
30   device required under subdivision (b).

31   *SEC. 23. Section 34001 of the Vehicle Code is*  
32   *amended to read:*

33   34001. The provisions of this division refer to vehicles  
34   having a cargo tank and *to hazardous waste transport*  
35   *vehicles and containers, as defined in Section 25167.4 of*  
36   *the Health and Safety Code, that are operating on*  
37   highways within this state.

38   *SEC. 24. Section 34060 of the Vehicle Code is*  
39   *amended to read:*

1 34060. The commissioner shall provide for the  
2 establishment, operation, and enforcement of random  
3 on- and off-highway inspections of cargo tanks and  
4 hazardous waste transport vehicles and containers. The  
5 commissioner shall also provide training in the inspection  
6 of cargo tanks and hazardous waste transport vehicles and  
7 containers to employees of the department whose  
8 primary duties include the enforcement of laws and  
9 regulations relating to commercial vehicles and who,  
10 thereafter, are required to perform random inspections  
11 of cargo tanks and hazardous waste transport vehicles and  
12 containers to determine whether or not the cargo tanks  
13 and hazardous waste transport vehicles and containers  
14 are designed, constructed, and maintained in accordance  
15 with the regulations adopted by the commissioner  
16 pursuant to *this code* and Chapter 6.5 (commencing with  
17 Section 25100) of Division 20 of the Health and Safety  
18 Code ~~and this code, and otherwise comply with this~~  
19 ~~division.~~

20 *SEC. 25. Section 34500.5 is added to the Vehicle Code,*  
21 *to read:*

22 *34500.5. For purposes of this division, the term*  
23 *“commercial motor vehicle” has the same meaning as*  
24 *defined in subdivision (b) of Section 15210.*

25 *SEC. 26. Section 40000.16 of the Vehicle Code is*  
26 *amended to read:*

27 *40000.16. A second or subsequent violation of Section*  
28 *23114, relating to preventing the escape of materials from*  
29 *vehicles, occurring within two years of a prior violation of*  
30 *that section is a misdemeanor, and not an infraction.*